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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Attorney Docket No. 2006_0167A
Fritz BLATTER et al.	:	**Confirmation No. 5499**
Serial No. 10/574,857	:	Group Art Unit 1792
Filed April 6, 2006	:	Examiner Felisa C. Hiteshew
PROCESS FOR THE PARALLEL DETECTION OF CRYSTALLINE FORMS OF MOLECULAR SOLIDS	:	**Mail Stop: AMENDMENT**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of August 27, 2009, Applicants submit the following remarks in support of the allowance of the present claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

The rejection of claims 1, 3 and 7-10 under the second paragraph of 35 U.S.C. §112 is respectfully traversed.

The Examiner takes the position that the expression "only a substantially amorphous form" is considered vague and indefinite. In attempting to support the rejection, the Examiner states that the term generally or substantially cannot be used to negate the term which they modify, citing *Arvin Industries v. Berns Air King Corp.* [Although the Examiner refers to this as a decision from the CCPA, the decision was actually rendered by the Seventh Circuit Court of Appeals, not the CCPA.] However, there was no ruling in the decision on the term "substantially". The term "generally" was used in the claims under consideration by the Court, but the term "substantially" was not used in the claims.

Furthermore, attention is directed to MPEP 2173.05(b) (and the case law cited therein), which indicates that the term "substantially" is not indefinite.